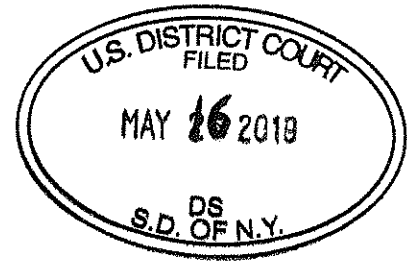


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19 CV 03452

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SPIN MASTER LTD. and SPIN MASTER, INC.,

Plaintiffs

v.

ALVY, AMYUNS, ATRIGGER, BASON888,
BOKENUS, CATCHMAIK, CENDA,
COLEIFIT, CYMELY, DADIII, DICESNOW,
DIYURFEELING, DLUCKY, EASERELAX,
ELBEE, FENGHESHUN, FITYLE, FSHGH,
G0DBL3SSALL, GLOBAL DISCOUNT
WAREHOUSE, GLOBALCAREMARKET,
IMIXLOT, KECOOL, LITTIL, LTINTIN, MY
ONYX, NOVOTE, OLIOTE, PIEI JKIEWS,
PLUSA, PREMIUM SEGMENT, ROSS
VARNER INC., RUNFON, SANOHAMI,
SEENDOM, SUPERGOGO, TORERO X,
TWISTYMAGICALPETZ, UKCG, WOMDEE-
DIRECT, XIAOHUOJI, YAOGUAN, YARDOM,
YUNCONG.15 and ZHANHONG DIRECT,

Defendants

Civil Case No.:

~~PROPOSED~~ JMS
1) TEMPORARY RESTRAINING
ORDER; 2) ORDER
RESTRAINING MERCHANT
STOREFRONTS AND
DEFENDANTS' ASSETS WITH
THE FINANCIAL INSTITUTIONS;
3) ORDER TO SHOW CAUSE
WHY A PRELIMINARY
INJUNCTION SHOULD NOT
ISSUE; 4) ORDER AUTHORIZING
BIFURCATED AND
ALTERNATIVE SERVICE; AND 5)
ORDER AUTHORIZING
EXPEDITED DISCOVERY

FILED UNDER SEAL

GLOSSARY

Term	Definition
Plaintiffs or “Spin Master”	Spin Master Ltd. and Spin Master, Inc.
Defendants	ALVY, Amyuns, Atrigger, bason888, BokenUS, Catchmaik, Cenda, COLEIFIT, Cymely, Dadiii, dicesnow, DIYurfeeling, DLUCKY, EASERELAX, ElBee, fengheshun, fityle, Fshgh, G0DBL3SSALL, Global Discount Warehouse, GlobalCareMarket, imixlot, kecooi, LittiL, LTINTIN, My ONYX, NOVOTE, Oliote, Piei Jkiews, plusA, Premium Segment, Ross Varner Inc., RUNFON, SANOHAMI, SEENDOM, supergogo, Torero X, twistymagicalpetz, UKCG, Womdee-Direct, Xiaohuoji, Yaoguan, Yardom, Yuncong.15 and Zhanhong Direct
Amazon	Amazon.com, a Seattle, Washington-based, online marketplace and e-commerce platform owned by Amazon.com, Inc., a Delaware corporation, that allows manufacturers and other third-party merchants, like Defendants, to advertise, distribute, offer for sale, sell and ship their retail products, which, upon information and belief, primarily originate from China, directly to consumers worldwide and specifically to consumers residing in the U.S., including New York
Epstein Drangel	Epstein Drangel LLP, counsel for Plaintiffs
New York Address	244 Madison Ave, Suite 411, New York, NY 10016
Complaint	Plaintiffs’ Complaint filed on April 18, 2019
Application	Plaintiffs’ <i>Ex Parte</i> Application for: 1) a temporary restraining order; 2) an order restraining Merchant Storefronts (as defined <i>infra</i>) and Defendants’ Assets (as defined <i>infra</i>) with the Financial Institutions (as defined <i>infra</i>); 3) an order to show cause why a preliminary injunction should not issue; 4) an order authorizing bifurcated and alternative service and 5) an order authorizing expedited discovery filed on April 18, 2019
Harris Dec.	Declaration of Christopher Harris in Support of Plaintiffs’ Application
Scully Dec.	Declaration of Brienne Scully in Support of Plaintiffs’ Application
Spin Master Products	Innovative children’s lifestyle products and toys under Plaintiffs’ own well-known brands, including Twisty Petz, Flutterbye Fairy, Bunchems and Hatchimals, as well as under their licensed properties, such as Paw Patrol and Air Hogs
Twisty Petz Mark	U.S. Trademark Registration No. 5,514,561 for “TWISTY PETZ” for a variety of goods in Class 28
Twisty Petz Work	U.S. Copyright Registration No. VA 1-305-408,

	covering the Twisty Petz Packaging Artwork & Collectors' Guides
Twisty Petz Products	Bejeweled pets that transform into sparkly bracelets, necklaces or backpack accessories with a few simple twists
Counterfeit Products	Products bearing or used in connection with the Twisty Petz Mark and/or Twisty Petz Work, and/or products in packaging and/or containing labels and/or hang tags bearing the Twisty Petz Mark and/or Twisty Petz Work, and/or bearing or used in connection with marks and/or artwork that are confusingly or substantially similar to the Twisty Petz Mark and/or Twisty Petz Work and/or products that are identical or confusingly or substantially similar to the Twisty Petz Products
Infringing Listings	Defendants' listings for Counterfeit Products
User Accounts	Any and all websites and any and all accounts with online marketplace platforms such as Amazon, as well as any and all as yet undiscovered accounts with additional online marketplace platforms held by or associated with Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them
Merchant Storefronts	Any and all User Accounts through which Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them operate storefronts to manufacture, import, export, advertise, market, promote, distribute, display, offer for sale, sell and/or otherwise deal in products, including Counterfeit Products, which are held by or associated with Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them
Defendants' Assets	Any and all money, securities or other property or assets of Defendants (whether said assets are located in the U.S. or abroad)
Defendants' Financial Accounts	Any and all financial accounts associated with or utilized by any Defendants or any Defendants' User Accounts or Merchant Storefront(s) (whether said account is located in the U.S. or abroad)
Financial Institutions	Any banks, financial institutions, credit card companies and payment processing agencies, such as Amazon.com, Inc., Amazon Payments, Inc. ("Amazon Pay"), PayPal Inc. ("PayPal"), Payoneer Inc. ("Payoneer"), PingPong Global Solutions, Inc. ("PingPong") and other companies or agencies that engage in the processing or transfer of money and/or real or personal property of Defendants
Third Party Service Providers	Online marketplace platforms, including, without limitation, those owned and operated, directly or

	indirectly by Amazon.com, Inc., such as Amazon, as well as any and all as yet undiscovered online marketplace platforms and/or entities through which Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them manufacture, import, export, advertise, market, promote, distribute, offer for sale, sell and/or otherwise deal in Counterfeit Products which are hereinafter identified as a result of any order entered in this action, or otherwise
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On this day, the Court considered Plaintiffs' *ex parte* application for the following: 1) a temporary restraining order; 2) an order restraining Merchant Storefronts and Defendants' Assets with the Financial Institutions; 3) an order to show cause why a preliminary injunction should not issue; 4) an order authorizing bifurcated and alternative service and 5) an order authorizing expedited discovery against Defendants, Third Party Service Providers and Financial Institutions in light of Defendants' intentional and willful offerings for sale and/or sales of Counterfeit Products.¹ A complete list of Defendants is attached hereto as **Schedule A**, which also includes links to Defendants' Merchant Storefronts and Infringing Listings. Having reviewed the Application, Declarations of Christopher Harrs and Brieanne Scully, along with exhibits attached thereto and other evidence submitted in support thereof, the Court makes the following findings of fact and conclusions of law:

FACTUAL FINDINGS & CONCLUSIONS OF LAW

1. Plaintiffs are part of a large, multinational toy and entertainment company started in 1994 that designs and sells innovative children's lifestyle products and toys under their own well-known brands, including Twisty Petz, Flutterbye Fairy, Bunchems and Hatchimals, as well as under their licensed properties, such as Paw Patrol and Air Hogs.

2. Plaintiffs sell their Spin Master Products throughout the U.S. and the world through major retailers, quality toy stores, department stores and online marketplaces, including, but not limited to, Walmart, Toys R Us, Target, Kohl's and Amazon.com.

3. One of Plaintiffs' most recent and successful products is the Twisty Petz Products, which are bejeweled pets that transform into sparkly bracelets, necklaces or backpack accessories

¹ Where a defined term is referenced herein and not defined herein, the defined term should be understood as it is defined in the Complaint, Application or Glossary.

with a few simple twists. There are over 70 types of Twisty Petz to collect, ranging from Leona Lion to Pearly Puppy to Zaggy Zebra and more.

4. Twisty Petz has been named one of the “hottest toys for 2018” by the *New York Post* and was included in *Amazon's 2018 Holiday Toy List*.² The Twisty Petz Products are predicated to sellout and become impossible to find due to their popularity.³

5. While Plaintiffs have gained significant common law trademark and other rights in their Twisty Petz Products, through use, advertising and promotion, Plaintiffs have also protected their valuable rights by filing for and obtaining a federal trademark registration.

6. For example, Plaintiffs own the Twisty Petz Mark, including U.S. Trademark Registration No. 5,514,561 for “TWISTY PETZ” for a variety of goods in Class 28.

7. The Twisty Petz Mark is currently in use in commerce in connection with the Twisty Petz Products.

8. In addition, Plaintiffs also own the registered and unregistered copyrights in and related to the Twisty Petz Products. For example, Plaintiffs own the Twisty Petz Work, including U.S. Copyright Reg. VA 1-305-408, covering the Twisty Petz Packaging Artwork & Collectors’ Guides, as well as numerous common law copyrights.

9. Defendants are manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale or Counterfeit Product through Defendants’ User Accounts and Merchant Storefronts with Amazon (*see Schedule A* for links to Defendants’ Merchant Storefronts and Infringing Listings);

² Melanie Notkin, *These are the hottest toys for 2018* (April 5, 2018), NEW YORK POST, <https://nypost.com/2018/04/05/these-are-the-hottest-toys-for-2018/>; Remi Rosmarin, *Amazon predicts these will be the 100 hottest toys every kid wants this holiday season* (October 13, 2018), BUSINESS INSIDER, <https://www.businessinsider.com/amazon-best-toys-games-holidays-christmas-2018-9>.

³ PR.COM, TOP 10 HOT HOLIDAY 2018 GIFTS THAT WILL BECOME IMPOSSIBLE TO FIND (October 1, 2018), <http://www.lethalchickengames.com/blog/top-10-hot-holiday-2018-gifts-that-will-become-impossible-to-find>.

10. Amazon is a Seattle, Washington-based, online marketplace and e-commerce platform owned by Amazon.com, Inc., a Delaware corporation, that allows manufacturers and other third-party merchants, like Defendants, to advertise, distribute, offer for sale, sell and ship their retail products, which, upon information and belief, primarily originate from China, directly to consumers worldwide and specifically to consumers residing in the U.S., including New York.

11. Defendants are not, nor have they ever been, authorized distributors or licensees of the Twisty Petz Products. Neither Plaintiffs, nor any of Plaintiffs' authorized agents, have consented to Defendants' use of the Twisty Petz Work and/or Twisty Petz Mark, nor have Plaintiffs consented to Defendants' use of marks and/or artwork that are confusingly and/or substantially similar to, identical to and constitute a counterfeiting or infringement of the Twisty Petz Work and/or Twisty Petz Mark;

12. Plaintiffs are likely to prevail on their Lanham Act, copyright and related common law claims at trial;

13. As a result of Defendants' infringements, Plaintiffs, as well as consumers, are likely to suffer immediate and irreparable losses, damages and injuries before Defendants can be heard in opposition, unless Plaintiffs' Application for *ex parte* relief is granted:

- a. Defendants have offered for sale and sold substandard Counterfeit Products that infringe the Twisty Petz Work and/or Twisty Petz Mark;
- b. Plaintiffs have well-founded fears that more Counterfeit Products will appear in the marketplace; that consumers may be misled, confused and disappointed by the quality of these Counterfeit Products, resulting in injury to Plaintiffs' reputation and goodwill; and that Plaintiffs may suffer loss of sales for their Twisty Petz Products; and
- c. Plaintiffs have well-founded fears that if it proceeds on notice to Defendants on this Application, Defendants will: (i) secret, conceal, destroy, alter, sell-off, transfer or

otherwise dispose of or deal with Counterfeit Products or other goods that infringe the Twisty Petz Work and/or Twisty Petz Mark, the means of obtaining or manufacturing such Counterfeit Products, and records relating thereto that are in their possession or under their control, (ii) inform their suppliers and others of Plaintiffs' claims with the result being that those suppliers and others may also secret, conceal, sell-off or otherwise dispose of Counterfeit Products or other goods infringing the Twisty Petz Work and/or Twisty Petz Mark, the means of obtaining or manufacturing such Counterfeit Products, and records relating thereto that are in their possession or under their control, (iii) secret, conceal, transfer or otherwise dispose of their ill-gotten proceeds from its sales of Counterfeit Products or other goods infringing the Twisty Petz Work and/or Twisty Petz Mark and records relating thereto that are in their possession or under their control and/or (iv) open new User Accounts and Merchant Storefront under new or different names and continue to offer for sale and sell Counterfeit Products with little to no consequence;

14. The balance of potential harm to Defendants of being prevented from continuing to profit from their illegal and infringing activities if a temporary restraining order is issued is far outweighed by the potential harm to Plaintiffs, their business, the goodwill and reputation built up in and associated with the Twisty Petz Work and/or Twisty Petz Mark and to their reputations if a temporary restraining order is not issued;

15. Public interest favors issuance of the temporary restraining order in order to protect Plaintiffs' interests in and to the Twisty Petz Work and/or Twisty Petz Mark, and to protect the public from being deceived and defrauded by Defendants' passing off of their substandard Counterfeit Products as Twisty Petz Products;

16. Plaintiffs have not publicized their request for a temporary restraining order in any way;

17. Service on Defendants via electronic means is reasonably calculated to result in proper notice to Defendants.

18. If Defendants are given notice of the Application, they are likely to secret, conceal, transfer or otherwise dispose of their ill-gotten proceeds from their sales of Counterfeit Products or other goods infringing the Twisty Petz Work and/or Twisty Petz Mark. Therefore, good cause exists for granting Plaintiffs' request for an asset restraining order. It typically takes the Financial Institutions a minimum of five (5) days after service of the Order to locate, attach and freeze Defendants' Assets and/or Defendants' Financial Accounts and it is anticipated that it will take the Third Party Service Providers a minimum of five (5) days to freeze Defendants' Merchant Storefronts. As such, the Court allows enough time for Plaintiffs to serve the Financial Institutions and Third Party Service Providers with this Order, and for the Financial Institutions and Third Party Service Providers to comply with the Paragraphs I(B)(1) through I(B)(2) and I(C)(1) of this Order, respectively, before requiring service on Defendants.

19. Similarly, if Defendants are given notice of the Application, they are likely to destroy, move, hide or otherwise make inaccessible to Plaintiffs the records and documents relating to Defendants' manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale and/or sale of Counterfeit Products. Therefore Plaintiffs have good cause to be granted expedited discovery.


ORDER

Based on the foregoing findings of fact and conclusions of law, Plaintiffs' Application is hereby **GRANTED** as follows:

I. Temporary Restraining Order

A. IT IS HEREBY ORDERED, as sufficient cause has been shown, that Defendants are hereby restrained and enjoined from engaging in any of the following acts or omissions pending the

hearing and determination of Plaintiffs' Application for a preliminary injunction as referenced in **Paragraph (II)(A)** below:

- 1) manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale, selling and/or otherwise dealing in Counterfeit Products, or any other products bearing the Twisty Petz Work and/or Twisty Petz Mark and/or marks and/or artwork that are confusingly and/or substantially similar to, identical to and constitute a counterfeiting or infringement of the Twisty Petz Work and/or Twisty Petz Mark;
- 2) ~~communicating, directly or indirectly, with any person or persons: (i) from whom they purchased or obtained any Counterfeit Products; (ii) to whom they sold or offered to sell such Counterfeit Products or (iii) of whom they know, or reasonably believe, to possess, control or have access to any such Counterfeit Products;~~ 
- 3) secreting, concealing, destroying, altering, selling off, transferring or otherwise disposing of and/or dealing with: (i) Counterfeit Products and/or (ii) any computer files, data, business records, documents or any other records or evidence relating to their User Accounts, Merchant Storefronts or Defendants' Assets and the manufacture, importation, exportation, advertising, marketing, promotion, distribution, display, offering for sale and/or sale of Counterfeit Products;
- 4) effecting assignments or transfers, forming new entities or associations, or creating and/or utilizing any other platform, User Account, Merchant Storefront or any other means of importation, exportation, advertising, marketing, promotion, distribution, display, offering for sale and/or sale of Counterfeit Products for the purposes of circumventing or otherwise avoiding the prohibitions set forth in this Order; and

- 5) knowingly instructing, aiding or abetting any other person or business entity in engaging in any of the activities referred to in subparagraphs I(A)(1) through I(A)(4) above and I(B)(1) through I(B)(2) and I(C)(1) below.

B. IT IS HEREBY ORDERED, as sufficient cause has been shown, that the Third Party Service Providers and Financial Institutions are hereby restrained and enjoined from engaging in any of the following acts or omissions pending the hearing and determination of Plaintiffs' Application for a preliminary injunction as referenced in **Paragraph (II)(A)** below, or until further order of the Court:

- 1) secreting, concealing, transferring, disposing of, withdrawing, encumbering or paying Defendants' Assets from or to Defendants' Financial Accounts until further ordered by this Court;
- 2) secreting, concealing, destroying, altering, selling off, transferring or otherwise disposing of and/or dealing with any computer files, data, business records, documents or any other records or evidence relating to Defendants' Assets and Defendants' Financial Accounts; and
- 3) knowingly instructing, aiding or abetting any person or business entity in engaging in any of the activities referred to in subparagraphs I(A)(1) through I(A)(4) and I(B)(1) through I(B)(2) above and I(C)(1) below.

C. IT IS HEREBY ORDERED, as sufficient cause has been shown, that the Third Party Service Providers are hereby restrained and enjoined from engaging in any of the following acts or omissions pending the hearing and determination of Plaintiffs' Application for a preliminary injunction as referenced in **Paragraph (II)(A)** below, or until further order of the Court:

- 1) within five (5) days after receipt of service of this Order, providing services to Defendants, Defendants' User Accounts and Defendants' Merchant Storefronts, including, without

of receipt of service of this Order, the Financial Institutions shall locate and attach Defendants' Financial Accounts and shall provide written confirmation of such attachment to Plaintiffs' counsel.

IV. Order Authorizing Bifurcated and Alternative Service by Electronic Means

A. IT IS FURTHER ORDERED pursuant to Fed. R. Civ. P. 4(f)(3), as sufficient cause has been shown, that service may be made on, and shall be deemed effective as to Defendants if it is completed by the following means: ~~April 29, 2019, by~~ May 8, 2019, by JMS

1) delivery of: (i) PDF copies of this Order together with the Summons and Complaint, or (ii) a link to a secure website (including NutStore, a large mail link created through Rmail.com and via website publication through a specific page dedicated to this Lawsuit accessible through ipcounselorslawsuit.com) where each Defendant will be able to download PDF copies of this Order together with the Summons and Complaint, and all papers filed in support of Plaintiffs' Application seeking this Order to Defendants' e-mail addresses to be determined after having been identified by Amazon.com, Inc. pursuant to **Paragraph V(C)**.

B. IT IS FURTHER ORDERED, as sufficient cause has been shown, that such alternative service by electronic means ordered herein shall be deemed effective as to Defendants, Third Party Service Providers and Financial Institutions through the pendency of this action.

C. IT IS FURTHER ORDERED, as sufficient cause has been shown, that such alternative service by electronic means ordered herein shall be made within five (5) days of the Financial Institutions and Third Party Service Providers' compliance with **Paragraphs III(A)** and **V(C)** of this Order.

D. IT IS FURTHER ORDERED, as sufficient cause has been shown, that the Clerk of the Court shall issue a single original summons in the name of "ALVY and all other Defendants identified in the Complaint" that will apply to all Defendants.

E. IT IS FURTHER ORDERED, as sufficient cause has been shown, that service may be made and shall be deemed effective as to the following if it is completed by the below means:

- 1) delivery of: (i) a PDF copy of this Order, or (ii) a link to a secure website where PayPal Inc. will be able to download a PDF copy of this Order via electronic mail to EE Omaha Legal Specialist at EEOMALegalSpecialist@paypal.com;
- 2) delivery of: (i) a true and correct copy of this Order via Federal Express to Amazon.com, Inc. at Corporation Service Company 300 Deschutes Way SW, Suite 304, Tumwater, WA 98501, (ii) a PDF copy of this Order or (iii) a link to a secure website where Amazon.com, Inc. and Amazon Pay will be able to download a PDF copy of this Order via electronic mail to Deana Ahn counsel for Amazon Pay, at deanaahn@dwt.com and amazonsubpoenas@dwt.com;

V. Order Authorizing Expedited Discovery

A. IT IS FURTHER ORDERED, as sufficient cause has been shown, that:

- 1) Within fourteen (14) days after receiving service of this Order, each Defendant shall serve upon Plaintiffs' counsel a written report under oath providing:

- a. their true name and physical address;
- b. the name and location and URL of any and all websites that Defendants own and/or operate and the name, location, account numbers and URL for any and all User Accounts and Merchant Storefronts on any Third Party Service Provider platform that Defendants own and/or operate;

~~c. the complete sales records for any and all sales of Counterfeit Products, including~~
~~but not limited to number of units sold, the price per unit, total gross revenues~~
~~received (in U.S. dollars) and the dates thereof;~~

~~d. the account details for any and all of Defendants' Financial Accounts, including,~~
~~but not limited to, the account numbers and current account balances; and~~

e. the steps taken by each Defendant, or other person served to comply with **Section I**, above.

2) Plaintiffs may serve interrogatories pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure as well as Local Civil Rule 33.3 of the Local Rules for the Southern and Eastern Districts of New York and Defendants who are served with this Order shall provide written responses under oath to such interrogatories within fourteen (14) days of service to Plaintiffs' counsel.

3) Plaintiffs may serve requests for the production of documents pursuant to Fed. R. Civ. P. 26 and 34, and Defendants who are served with this Order and the requests for the production of documents shall produce all documents responsive to such requests within fourteen (14) days of service to Plaintiffs' counsel.

B. IT IS FURTHER ORDERED, as sufficient cause has been shown, that within five (5) days of receipt of service of this Order the Financial Institutions shall identify any and all of Defendants' Financial Accounts, and provide Plaintiffs' counsel with a summary report containing account details for any and all such accounts, which shall include, at a minimum, identifying information for Defendants, including contact information for Defendants (including, but not limited to, mailing addresses and e-mail addresses), account numbers and account balances for any and all of Defendants' Financial Accounts and confirmation of said compliance with this Order.

C. IT IS FURTHER ORDERED, as sufficient cause has been shown, that within five (5) days of receipt of service of this Order, the Third Party Service Providers shall identify any and all of Defendants' User Accounts and Merchant Storefronts, and provide Plaintiffs' counsel with a summary report containing account details for any and all User Accounts and Merchant Storefronts, which shall include, at a minimum, identifying information for Defendants and Defendants' User Accounts and Defendants' Merchant Storefronts, contact information for

Defendants (including, but not limited to, mailing addresses and e-mail addresses) and confirmation of said compliance with this Order.

D. IT IS FURTHER ORDERED, as sufficient cause has been shown, that:

- 1) Within fourteen (14) days of receiving actual notice of this Order, all Financial Institutions who are served with this Order shall provide Plaintiffs' counsel all documents and records in their possession, custody or control (whether located in the U.S. or abroad) relating to any and all of Defendants' Financial Accounts, including, but not limited to, documents and records relating to:
 - a. account numbers;
 - b. current account balances;
 - c. any and all identifying information for Defendants, Defendants' User Accounts and Defendants' Merchant Storefronts, including, but not limited to, names, addresses and contact information;
 - d. any and all account opening documents and records, including, but not limited to, account applications, signature cards, identification documents and if a business entity, any and all business documents provided for the opening of each and every of Defendants' Financial Accounts;
 - e. any and all deposits and withdrawals during the previous year from each and every one of Defendants' Financial Accounts and any and all supporting documentation, including, but not limited to, deposit slips, withdrawal slips, cancelled checks and account statements; and
 - f. any and all wire transfers into each and every one of Defendants' Financial Accounts during the previous year, including, but not limited to, documents sufficient to show the identity of the destination of the transferred funds, the identity of the beneficiary's bank and the beneficiary's account number.

E. IT IS FURTHER ORDERED, as sufficient cause has been shown, that:

- 1) Within fourteen (14) days of receipt of service of this Order, the Third Party Service Providers shall provide to Plaintiffs' counsel all documents and records in its possession, custody or control (whether located in the U.S. or abroad) relating to Defendants' User Accounts and Defendants' Merchant Storefronts, including, but not limited to, documents and records relating to:
 - a. any and all User Accounts and Defendants' Merchant Storefronts and account details, including, without limitation, identifying information and account numbers for any and all User Accounts and Defendants' Merchant Storefronts that Defendants have ever had and/or currently maintain with the Third Party Service Providers that were not previously provided pursuant to Paragraph V(C);
 - b. the identities, location and contact information, including any and all e-mail addresses of Defendants that were not previously provided pursuant to Paragraph V(C);
 - c. the nature of Defendants' businesses and operations, methods of payment, methods for accepting payment and any and all financial information, including, but not limited to, information associated with Defendants' User Accounts and Defendants' Merchant Storefronts, a full accounting of Defendants' sales history and listing history under such accounts and Defendants' Financial Accounts with any and all Financial Institutions associated with Defendants' User Accounts and Defendants' Merchant Storefronts; and
 - d. Defendants' manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale and/or selling of Counterfeit Products, or any other products bearing the Twisty Petz Mark and/or Twisty Petz Work and/or marks and/or artwork that are confusingly and/or substantially similar

to, identical to and constitute a counterfeiting or an infringement of the Twisty Petz Mark and/or Twisty Petz Work.

VI. Security Bond

A. IT IS FURTHER ORDERED that Plaintiffs shall place security in the amount of Ten Thousand Dollars (\$10,000) with the Court which amount is determined adequate for the payment of any damages any person may be entitled to recover as a result of an improper or wrongful restraint ordered hereunder. JMS

VII. Sealing Order

A. IT IS FURTHER ORDERED that Plaintiffs' Complaint and exhibits attached thereto, and Plaintiffs' *ex parte* Application and the Declarations of Christopher Harrs and Brieanne Scully in support thereof and exhibits attached thereto and this Order shall remain sealed until the Financial Institutions and Third Party Service Providers comply with **Paragraphs I(C), III(A) and V(C)** of this Order.

SO ORDERED.

SIGNED this 24th day of April, 2019, at _____.


UNITED STATES DISTRICT JUDGE

SCHEDULE A

No	Seller Name	Infringing Listing	Merchant Storefront
1	ALVY	https://www.amazon.com/ALVY-Magical-Bracelets-Animal-Unicorn/dp/B07LCXX7R9/ref=sr_1_79?ie=UTF8&qid=1549315642&sr=8-79&keywords=magical+bracelet	https://www.amazon.com/s?me=A3AFYQ29NPVT5L&marketplaceID=ATVPDKIKX0DER
2	Amyuns	https://www.amazon.com/Troll-Tree-Bracelet-Necklaces-Assembly/dp/B07HK9GF6Q/ref=sr_1_263?ie=UTF8&qid=1549405491&sr=8-263&keywords=magical+bracelet	https://www.amazon.com/s?me=A2QHZGKY3NP4EX&marketplaceID=ATVPDKIKX0DER
3	Atrigger	https://www.amazon.com/Atrigger-Bracelets-Collectible-Colorful-Bracelet/dp/B07169KVMW/ref=sr_1_140_a_it?ie=UTF8&qid=1549402460&sr=8-140&keywords=magical+bracelet	https://www.amazon.com/s?me=A3JYPXUCQN8GL&marketplaceID=ATVPDKIKX0DER
4	bason888	https://www.amazon.com/BASON-Bracelets-Bracelet-Necklaces-Backpack/dp/B0716CTS28/ref=sr_1_225?ie=UTF8&qid=1546974167&sr=8-225&keywords=magical+bracelet	https://www.amazon.com/s?me=AB3IF7KRIA5YX&marketplaceID=ATVPDKIKX0DER
5	BokenUS	https://www.amazon.com/Bracelets-Bracelet-Collectible-Deformation-Christmas/dp/B07MT8KXF1/ref=sr_1_153?ie=UTF8&qid=1549402489&sr=8-153&keywords=magical+bracelet	https://www.amazon.com/s?me=A14305B748E6DD&marketplaceID=ATVPDKIKX0DER
6	Catchmaik	https://www.amazon.com/Bracelet-Deformation-Sprouting-Surprise-Collectible/dp/B07M9RFZYB/ref=sr_1_280?ie=UTF8&qid=1549405511&sr=8-280&keywords=magical+bracelet	https://www.amazon.com/s?me=A32OP1ZR9D5EH5&marketplaceID=ATVPDKIKX0DER
7	Cenda	https://www.amazon.com/Style-Magical-Bracelets-Animal-Bracelet/dp/B07K9DHVVM/ref=sr_1_160?ie=UTF8&qid=1546969659&sr=8-160&keywords=magical+bracelet	https://www.amazon.com/s?me=AYD13X78RE3DQ&marketplaceID=ATVPDKIKX0DER
8	COLEFIT	https://www.amazon.com/Magical-Animal-Bracelets-Color-Random/dp/B07L8X8TFX/ref=sr_1_204?ie=UTF8&qid=1549402594&sr=8-204&keywords=magical+bracelet	https://www.amazon.com/s?me=A2EOZB890E8A1&marketplaceID=ATVPDKIKX0DER
9	Cymely	https://www.amazon.com/Bracelet-Transformable-Collectible-Childrens-Pre-Kinder/garden/dp/B07KR6NBDK/ref=sr_1_61?ie=UTF8&qid=1549314942&sr=8-61&keywords=magical%2Bbracelet&th=1	https://www.amazon.com/s?me=A11R8S93WQYKX3&marketplaceID=ATVPDKIKX0DER
10	Dadili	https://www.amazon.com/Dadili-Childrens-Necklaces-Collectible-Transformable/dp/B07KY7BCR7/ref=sr_1_211?ie=UTF8&qid=1549405414&sr=8-211&keywords=magical+bracelet	https://www.amazon.com/s?me=A2A84QSQ4W4J6G&marketplaceID=ATVPDKIKX0DER
11	dicesnow	https://www.amazon.com/Dicesnow-Assembly-Animals-Bracelet-Practical/dp/B07167C721/ref=sr_1_182?ie=UTF8&qid=1549402529&sr=8-182&keywords=magical+bracelet	https://www.amazon.com/s?me=AWUDIPMQGFY8&marketplaceID=ATVPDKIKX0DER
12	DIYurfeeling	https://www.amazon.com/DIYurfeeling-Twisty-Magic-Bracelet-Pets/dp/B07MNVHHC9/ref=sr_1_117?ie=UTF8&qid=1549401716&sr=8-117&keywords=magical+bracelet	https://www.amazon.com/s?me=A1Y0ENR9KC96K&marketplaceID=ATVPDKIKX0DER
13	DLUCKY	https://www.amazon.com/gp/product/B07KX58SPH/ref=ppx_yo_dt_b_asin_title_o00_s00?ie=UTF8&psc=1	https://www.amazon.com/s?me=A2K4RG6SPUF8P2V8&marketplaceID=ATVPDKIKX0DER
14	EASERELAX	https://www.amazon.com/gp/product/B07KWY22FW/ref=ppx_yo_dt_b_asin_title_o00_s00?ie=UTF8&psc=1	https://www.amazon.com/s?me=ATSS17L011M09&marketplaceID=ATVPDKIKX0DER
15	EiBee	https://www.amazon.com/Veilvem-Twisty-Animal-Bracelet-Magical/dp/B07MNXPNGP/ref=sr_1_189?ie=UTF8&qid=1549402529&sr=8-189&keywords=magical+bracelet	https://www.amazon.com/s?me=A2OAK0TA2PXPVO&marketplaceID=ATVPDKIKX0DER
16	fengheshun	https://www.amazon.com/Magic-Animal-Twist-Bracelet-Digital/dp/B07MTZCVLB/ref=sr_1_251?ie=UTF8&qid=1549405453&sr=8-251&keywords=magical+bracelet	https://www.amazon.com/s?me=A18RFOIOMB5Z7&marketplaceID=ATVPDKIKX0DER

17	fityle	https://www.amazon.com/Fityle-Colorful-Elastic-Animals-Bracelet/dp/B07MXYKRW/ref=sr_1_207?ie=UTF8&qid=1549402594&sr=8-207&keywords=magical+bracelet	https://www.amazon.com/s?me=A1N09QJE4IVQY6&marketplaceID=ATVPDKIKX0DER
18	Fshgh	https://www.amazon.com/Fshli-Bracelet-Magical-Transformable-Collectible/dp/B07LGTLM7/ref=sr_1_307?ie=UTF8&qid=1549314434&sr=8-30&keywords=magical+bracelet	https://www.amazon.com/s?me=A11MMEGBMBVLC&marketplaceID=ATVPDKIKX0DER
19	GODBL3SSALL	https://www.amazon.com/GAMLI-Family-Business-PetzLet-Bracelet/dp/B07HRT8KSK/ref=sr_1_34?ie=UTF8&qid=1547504567&sr=8-34&keywords=magical%2Bbracelets&th=1	https://www.amazon.com/s?me=AAX4A7W7LXK6E&marketplaceID=ATVPDKIKX0DER
20	Global Discount Warehouse	https://www.amazon.com/Twisty-Bracelet-Random-Surprise-Collectible/dp/B07JZ4XCVL/ref=sr_1_174?ie=UTF8&qid=1549402512&sr=8-174&keywords=magical+bracelet	https://www.amazon.com/s?me=A20ALGTHMPM7L5&marketplaceID=ATVPDKIKX0DER
21	Global Care Market	https://www.amazon.com/Global-Care-Market-Bracelet-Bracelets/dp/B07MP9QSY5/ref=nav_ys_signin?ie=UTF8&qid=1549401689&sr=8-110&keywords=magical+bracelet&	https://www.amazon.com/s?me=A1OSXWAGTN692K&marketplaceID=ATVPDKIKX0DER
22	imixlot	https://www.amazon.com/imixlot-Transformable-Collectible-Childrens-Pre-Kindergarten/dp/B07MNHFSLS/ref=sr_1_202?ie=UTF8&qid=1549402594&sr=8-202&keywords=magical+bracelet	https://www.amazon.com/s?me=A2MYAIZ4TKFBP8&marketplaceID=ATVPDKIKX0DER
23	keecool	https://www.amazon.com/keecool-Animals-Magical-Bracelet-Necklaces/dp/B07H9RQ8H3/ref=sr_1_41?ie=UTF8&qid=1549314918&sr=8-41&keywords=magical+bracelet	https://www.amazon.com/s?me=A3E3FCV07V5ACB&marketplaceID=ATVPDKIKX0DER
24	Littil	https://www.amazon.com/gp/product/B07L293XX5/ref=ppx_od_dt_b_asin_title_s00?ie=UTF8&psc=1 (i purchased the rabbit version which was sold out after i bought it)	https://www.amazon.com/s?me=A2P7KLEHDT37HL&marketplaceID=ATVPDKIKX0DER
25	LTINTIIN	https://www.amazon.com/Yuliani-Colorful-Magical-Bracelets-Bracelet/dp/B07J6MTJ7R/ref=sr_1_67?ie=UTF8&qid=1549315642&sr=8-67&keywords=magical+bracelet	https://www.amazon.com/s?me=A29G6PAGTQM8LTD&marketplaceID=ATVPDKIKX0DER
26	My ONYX	https://www.amazon.com/My-ONYX-Bracelets-Collectible-Transformable/dp/B07MYFVC44/ref=sr_1_24?keywords=twisty+pets&qid=1552673416&s=gateway&sr=8-24	https://www.amazon.com/s?me=AETLOAZZZO5KW&marketplaceID=ATVPDKIKX0DER
27	NOVOTE	https://www.amazon.com/Goosky-Twisted-Collectible-Bracelet-Birthday/dp/B07L37MKH2/ref=sr_1_68?ie=UTF8&qid=1549315642&sr=8-68&keywords=magical+bracelet	https://www.amazon.com/s?me=A35UIU54X73ZG9&marketplaceID=ATVPDKIKX0DER
28	Oliote	https://www.amazon.com/Oliote-Bracelet-Animals-Necklaces-Assembly/dp/B07J4Q1DHK/ref=sr_1_264?ie=UTF8&qid=1549405491&sr=8-264&keywords=magical+bracelet	https://www.amazon.com/s?me=A1VAEPGSYLX7NH&marketplaceID=ATVPDKIKX0DER
29	Plei Jkiews	https://www.amazon.com/QHQ-Transformable-Collectible-Bracelet-Childrens/dp/B07MXF5HPW/ref=sr_1_122?keywords=twisty+pets&qid=1552673916&s=gateway&sr=8-122	https://www.amazon.com/s?me=A2WDV8JUG8503L&marketplaceID=ATVPDKIKX0DER
30	plusA	https://www.amazon.com/HongG-Magical-Pets-Bracelets-Collectible/dp/B07HKC52NV/ref=sr_1_3_a_it?ie=UTF8&qid=1547490294&sr=8-3&keywords=magical+bracelets	https://www.amazon.com/s?me=A10J9U0H5MTT3J&marketplaceID=ATVPDKIKX0DER
31	Premium Segment	https://www.amazon.com/SOWOW-Twisty-Magic-Bracelet-Pets/dp/B07KZ8SQJP/ref=sr_1_46?ie=UTF8&qid=1546891491&sr=8-46&keywords=magical+bracelet	https://www.amazon.com/s?me=A19NMFTQQUPN&marketplaceID=ATVPDKIKX0DER
32	Ross Varner Inc.	https://www.amazon.com/RVI-Magical-Bracelet/dp/B07KCPX4QV/ref=sr_1_163?ie=UTF8&qid=1549402512&sr=8-163&keywords=magical+bracelet	https://www.amazon.com/s?me=A1X72YQNOP9YC&marketplaceID=ATVPDKIKX0DER

33	RUNFON	https://www.amazon.com/Runfon-Colorful-Bracelets-Jewel-Like-Bracelet/dp/B07JNRF57/ref=sr_1_67?keywords=twisty+petz&qid=155267283	https://www.amazon.com/s?me=A28TEGP26M35TT&marketplaceID=ATVPDKIKX0DER
34	SANOAMI	https://www.amazon.com/Bubala-Colorful-Bracelets-Transformable-Collectible/dp/B07LHGQ8Q2/ref=sr_1_208?ie=UTF8&qid=1549402594&sr=8-208&keywords=magical+bracelet	https://www.amazon.com/s?me=AJURHTX3SCDBKR&marketplaceID=ATVPDKIKX0DER
35	SEENDOM	https://www.amazon.com/gp/product/B07LFXSPX/ref=ppx_yo_dt_b_asin_title_o00_s007?ie=UTF8&psc=1	https://www.amazon.com/s?me=A27YQDK9XFOVVO&marketplaceID=ATVPDKIKX0DER
36	supergogo	https://www.amazon.com/BEIJING-Twist-Bracelet-Magical-Animal/dp/B07JLKDVPI/ref=sr_1_79?keywords=twisty+petz&qid=1552672839	https://www.amazon.com/s?me=A33MQV1JIKLORW&marketplaceID=ATVPDKIKX0DER
37	Torero X	https://www.amazon.com/Magical-Bracelets-Bracelet-Jewelry-Unicorn/dp/B07K9NXXVZ5/ref=sr_1_183?ie=UTF8&qid=1549402529&sr=8-183&keywords=magical+bracelet	https://www.amazon.com/s?me=A3MQEPV8RRI7FO&marketplaceID=ATVPDKIKX0DER
38	twistymagicalpetz	https://www.amazon.com/Bracelets-Transformable-Collectible-Childrens-Pre-Kindergarten/dp/B07MBN3NJ6/ref=sr_1_150?ie=UTF8&qid=1549402489&sr=8-150&keywords=magical+bracelet	https://www.amazon.com/s?me=A25BXQZKU2SM9&marketplaceID=ATVPDKIKX0DER
39	UKCG	https://www.amazon.com/UKCG-Magic-Animal-Twist-Bracelets/dp/B07KY7HRMZ/ref=sr_1_269?ie=UTF8&qid=1546974285&sr=8-269&keywords=magical+bracelet	https://www.amazon.com/s?me=AYSTMW574WIP3&marketplaceID=ATVPDKIKX0DER
40	Womdee-Direct	https://www.amazon.com/gp/product/B07J56B55F/ref=ppx_yo_dt_b_asin_title_o00_s007?ie=UTF8&psc=1	https://www.amazon.com/s?me=A1DYLRRUZH6R&marketplaceID=ATVPDKIKX0DER
41	Xiaohuaji	https://www.amazon.com/gp/product/B07L2LJY1/ref=ppx_yo_dt_b_asin_title_o00_s007?ie=UTF8&psc=1	https://www.amazon.com/s?me=A3GPG8EZHTJ945&marketplaceID=ATVPDKIKX0DER
42	Yaoguan	https://www.amazon.com/Yaoguan-Bracelets-Transforms-Magically-Jewel-Like/dp/B07JFZ5H3V/ref=sr_1_249?ie=UTF8&qid=1549405453&sr=8-249&keywords=magical+bracelet	https://www.amazon.com/s?me=A3M0EVCJY4VIMT&marketplaceID=ATVPDKIKX0DER
43	Yardom	https://www.amazon.com/Luminous-Bracelet-Surprise-Collectible-Birthday/dp/B07KTSIXI7/ref=sr_1_2?ie=UTF8&qid=1547490294&sr=8-2&keywords=magical+bracelets	https://www.amazon.com/s?me=A8RLADGSTQ55D&marketplaceID=ATVPDKIKX0DER
44	Yuncong.15	https://www.amazon.com/Womdee-Bracelets-Jewel-Like-Transforms-Magically/dp/B07JCNL3QW/ref=sr_1_242?ie=UTF8&qid=1549405453&sr=8-242&keywords=magical+bracelet	https://www.amazon.com/s?me=AQVJ55C9WP5YT&marketplaceID=ATVPDKIKX0DER
45	Zhanhong Direct	https://www.amazon.com/Surprise-Bracelet-Creative-Magical-Unicorn/dp/B07J9LHVZ4/ref=sr_1_190?ie=UTF8&qid=1546969733&sr=8-190&keywords=magical+bracelet	https://www.amazon.com/s?me=A2GX0YOCJN3AEZU&marketplaceID=ATVPDKIKX0DER